



Docket No.: 0033-0983PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Yoshiki HASHIZUME et al.

Application No.: 10/525,068

Confirmation No.: 5831

Filed: February 18, 2005

Art Unit: 1755

For: ALUMINUM PIGMENT; METHOD OF  
MANUFACTURING THE SAME AND RESIN  
COMPOSITION

Examiner: A. S. Abu

**DECLARATION UNDER 37 C.F.R. § 1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. We, Yoshiki HASHIZUME and Taro MORIMITSU, hereby declare and say as follows:

2. We are the listed Inventors of the subject matter disclosed and claimed in the above-identified U.S. Patent application and we are familiar with the prosecution history of the application.

3. We understand that the Examiner has rejected claims 1, 4, 6-12 and 15 as being obvious over U.S. Patent Publication No. 2004/0194663A1 to Li et al. (Li '663), in view of U.S. Patent No. 5,637,143 to Jenkins et al (Jenkins '143). We also understand that the Examiner has rejected claims 2 and 3 as being obvious over Li '663 and Jenkins '143 and further in view of

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U.S. Patent No. 5,624,486 to Schmid et al. Lastly, we understand that the Examiner has rejected claim 5 as being obvious over Li '663 and Jenkins '143 and further in view of U.S. Patent 5,688,314 to Rose et al.

4. All rejections proposed by the Examiner use the Li '663 reference as a primary reference. It is our understanding that Li '663 was filed as PCT/EP02/07221 on July 1, 2002, and published as Li '663 on October 7, 2004.

5. We conceived and reduced to practice the invention claimed in the above-referenced application prior to the July 1, 2002 filing date of Li '663. As evidence of prior invention, the following evidence and discussion are provided:

6. Exhibit 1.1 is a certified copy of JP 2001-343217 (JP '217), filed in Japan on November 8, 2001. Exhibit 1.2 is an English translation of JP '217.

7. JP '217 represents work which we had actually reduced to practice prior to the filing date of JP '217 on November 8, 2001 in Japan. As can be seen from Tables 1 and 2 of JP '217, Examples 1-8 of JP '217 are all included within the scope of claim 1 of the present application. For instance, the "aluminum particles" in claim 1 correspond to the "aluminum particles" in Tables 1 and 2 of JP '217. Also, a "molybdenum coat" in claim 1 corresponds to the "coat" that is applied according to the "molybdenum coat covering conditions" in Tables 1 and 2 using a "molybdenum compound" in Tables 1 and 2 of JP '217. Further, a "silica coat" in claim 1 corresponds to the "coat" that is applied according to the "covering conditions for silica coat" in Tables 1 and 2 using an "organic silicon compound" in Tables 1 and 2 of JP '217. Moreover, the fact that the "silica coat" of JP '217 is formed by "amorphous silica" is evident from the following illustrative points: (i) recitation in claim 1 of JP '217 of "amorphous silica", (ii)

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description in paragraph [0038] of "an amorphous silica coat (referred to as a "silica coat" in the specification)", and (iii) description in paragraph [0053] of "the silica coat is a coat comprising amorphous silica".

8. Accordingly, JP '217 is evidence that we actually reduced to practice the present invention prior to the July 1, 2002 filing date of Li '663.

9. The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S. Code 1001 and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

March 31, 2008  
Date

Yoshiki Hashizume  
Yoshiki HASHIZUME

Mar 26, 2008  
Date

Taro Morimitsu  
Taro MORIMITSU